

Recommendation Report for Planning Permission

REF NO: LU/46/20/PL

LOCATION: Littlehampton Covered Market
26-28 Surrey Street
Littlehampton
BN17 5BG

PROPOSAL: Demolition of existing building & construction of 1 No retail unit & 3 No. flats with associated external works & access. This application affects the setting of listed buildings & may affect the character & appearance of the River Road, Littlehampton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a 3 storey property on the frontage with a 2 storey section to the rear. The ground floor would comprise 3 parking spaces and a retail unit, the first floor would accommodate a one bedroom flat and a 2 bedroom flat and the second floor a 2 bedroom flat
SITE AREA	364.47sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building is located on the site frontage. 2m high fencing to rear.
SITE CHARACTERISTICS	Semi detached 2 storey building with a dormer opening in the roof. White painted rendered elevations to front and side. Flintwork to rear and plain tile roof. There is currently no parking provision on the site
CHARACTER OF LOCALITY	Town centre location. Predominantly retail use at ground floor and residential/ commercial above.

RELEVANT SITE HISTORY

LU/390/17/PL	Demolition of existing building & erection of 1 No. retail unit & 3 No. flats above with associated external works & access. This application may affect the setting of Listed Buildings & the character & appearance of the Littlehampton (River Road) Conservation Area.	Refused 12-04-18
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Refused for the following reason:

'With regard to height, scale and design the proposal would be prejudicial to the setting of the

Littlehampton River Road Conservation Area and damaging to the setting of the existing buildings of merit and interest within it as well as the setting of adjoining listed buildings in conflict with policies GEN7, AREA2 of the Arun District Local Plan, policies HERDM1, HERDM3 and DDM1 of the Emerging Local Plan and paragraphs 132 and 137 the National Planning Policy Framework.'

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection subject to materials condition to protect Conservation Area

5 letters of objection

- Front elevation out of step with neighbours
- Poor materials proposed. Natural slate and wooden sash windows should be used
- Adverse impact on Conservation Area and Listed Buildings
- Insufficient parking
- Design of shop front should be traditional rather than vast expanse of glass
- Original building should be retained

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Economic Regeneration

Environment Agency

Conservation Officer

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

ADC Surface Water Drainage - No objection

Environment Agency - No objection

ADC Economic Regeneration - Support

CDC Ecology - No objection

WSCC Highways - No objection subject to conditions

ADC Conservation Officer - Less than substantial harm to heritage assets. The level of harm is considered to be at the lower end of the scale

COMMENTS ON CONSULTATION RESPONSES:

The conditions requested by the Ecology Officer do not apply to this site.

POLICY CONTEXT

Designation applicable to site:

Abutts cons area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Policies 1 and 2 of the Littlehampton Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the development is considered to have an acceptable effect on the character of the area and would not cause any harm to the residential amenities of neighbouring properties.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Where the building is located in a Conservation Area, Section 72(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Grade II Listed Buildings or the setting of the Conservation Area which it abutts.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built up area boundary where the principle of development is acceptable in accordance with policy SD SP3 of the Arun Local Plan and policies 1 and 2 of the Littlehampton Neighbourhood Plan. The main policies which this development will be subject are policy D DM1, HER DM1 and HER DM3.

DESIGN

The design of the property is intended to reflect that of the existing building on site with a 2.5 storey front elevation. There would be a glazed shop front at ground floor level which would continue the shopping frontage on Surrey street from the north. The height and scale of the building would match that of the buildings immediately to the north 20 - 24 Surrey Street, maintaining the character of the area.

The design is intended to accord with the heritage buildings nearby using slate effect roof tiles and sash effect windows. There is a mixture of render and brick facades in the location so the use of render facades as existing would be acceptable.

The proposal would be considered to accord with policy D DM1 of the Arun Local Plan with respect to design.

RESIDENTIAL AMENITY

The proposal is not considered to adversely affect the residential amenity of any neighbouring properties and would provide a reasonable level of residential amenity to the occupiers of the new apartments at first and second floor. The rear of the first floor would face the blank elevation of a block of flats at a distance of approximately 12 metres. The front elevation would face onto Surrey Street with buildings on the other side of the road at a distance of 17 metres.

The proposal is considered to accord with policy D DM1 of the Arun Local Plan with respect to residential

amenity.

SPACE STANDARDS

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 m² for a single storey 1 bedroom 2 person dwelling and 39m² for single occupation. For 2 bedroom units the minimum for a single storey building is 61sqm(3 person) and 70m² for 4 person. The sizes of the flats are 57 sq.m. and 58 sq.m. for the 1 bed flat and 71 sq.m. for the 2 bed flat.

Further there is significant open space nearby with easy and near access to the beach and the upgraded pedestrianised walkways along the River Arun.

PARKING

No objection has been received from the West Sussex County Council Highways Authority. It is noted that 3 car parking spaces have been provided for the three flats which accords with the Arun Parking Stanards Supplementary Planngng Document however no parking has been provided for the retail unit. The 58.1 sq.m. unit would give rise oto a demand for 4 car parking spaces.

This shortfall is however considered acceptable because of the location of the site within the Town Centre where there is already significant amounts of public parking and good public transport links to buses and the train station.

HERITAGE

Para. 189 of the National Planning Policy Framework (NPPF) requires that a heritage statement be supplied in the vent of an application affecting heritage assets which the applicants have done. The application therefore falls to be assessed against para 130 of the NPPF. The scheme is considered to minimise conflict between the Listed Buildings,Conservation Area and non designated heritage assets whose setting the application site affects due to its sympathetic design matching into the terrace of buildings to the north including a listed building. In addition the Georgian style fenestration at first and second floor matches the non designated assets opposite.

The new development has been assessed by the Conservation Officer who has stated that it would cause a less than substantial harm to nearby heritage assets including listed buildings, non designated heritage assets and the River Road Conservation Area which the site abutts. As such under para 196 of the NPPF the site falls to be assessed as to whether there is any public benefit arising from the scheme. Currently the site is occupied by a derelict building. Clearly a new building of a sympathetic design would improve the appearance of the area and benefit the setting of the Listed Buildings and Conservation Area.

Under para 197 of the NPPF it is considered on balance that the scheme would not cause any harm or loss to the non designated heritage assets opposite due to its sympathetic design.

FLOODING

The site is located within an area designated as falling within Flood Zone 3. Planning Policies relating to flood risk require development not to give rise to an unacceptable risk of flooding detrimental to human health or property.

The EA has not objected on the basis that there is no residential accommodation proposed on the ground floor.

CONCLUSION

The proposed schem is considered to accord with the Arun Local Plan and national policy within the National Planning Policy Framework and is recommended for approval subject to the following

conditions:

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Plans and Elevations Dwg.no. 014 Rev PO2 dated Dec 19
Proposed Site Plan Dwg.no. 013 Rev PO3 dated Dec 19

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity/setting of the building by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.